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**OFFICE OF PETITIONS**

In re Application of :  
Thierry Wetzel, et al :  
Application No. 08/930,702 :  
Filed: February 13, 1998 :  
Attorney Docket No. CPW50075/US :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed April 15, 2004, to revive the above-identified application.

The application became abandoned for failure to timely reply to the final Office action mailed January 4, 2002. A Notice of Abandonment was mailed August 27, 2002. Receipt is acknowledged of the Notice of Appeal filed April 20, 2004.

The petition is GRANTED. The 2-month period for filing the Appeal Brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival. In view thereof, the \$950 extension of time fee submitted with the petition is unnecessary and will be credited to counsel's deposit account as authorized.

This application is being forwarded to Technology Center AU 1615.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-9282.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy